

1 RICHARD G. ZIMMER, ESQ. - SBN 107263  
2 T. MARK SMITH, ESQ. - SBN 162370

3 CLIFFORD & BROWN  
4 A Professional Corporation  
5 Bank of America Building  
6 1430 Truxtun Avenue, Suite 900  
7 Bakersfield, CA 93301-5230  
8 Tel: (661) 322-6023  
9 Fax: (661) 322-3508

6 JOHN B. MARSHALL, ESQ. - SBN 045601  
7 PAUL C. BAUDUCCO, ESQ. - SBN 119512  
8 LEWITT, HACKMAN, SHAPIRO, MARSHALL & HARLAN  
9 16633 Ventura Blvd., 11<sup>th</sup> Floor  
10 Encino, CA 91436  
11 Tel: (818) 907-3228  
12 Telecopier: (818) 981-4764

10 Attorneys for Petitioner and Plaintiff,  
11 COMMUNITY RECYCLING & RESOURCE RECOVERY, INC.

11 LARRY PEAKE, ESQ. - SBN 082626  
12 WALL, WALL & PEAKE  
13 1601 F St.  
14 Bakersfield, CA 93301  
15 Tel: (661) 327-8461  
16 Fax: (661) 327-8568

15 Attorneys for Petitioner and Plaintiff and Real Party in Interest,  
16 LAMONT PUBLIC UTILITY DISTRICT

16 [\*LAMONT PUBLIC UTILITY DISTRICT IS A SPECIAL DISTRICT AND A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA,  
17 EXEMPT FROM PAYMENT OF COURT FILING FEES PURSUANT TO GOVERNMENT CODE SECTION 6103]

18 SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN

19 METROPOLITAN DIVISION

20 \* \* \*

21 COMMUNITY RECYCLING & RESOURCE )  
22 RECOVERY, INC., a California corporation and )  
23 LAMONT PUBLIC UTILITY DISTRICT, a public )  
24 entity, )

24 Petitioners/Plaintiffs, )

25 vs. )

26 COUNTY OF KERN, a public entity, and DOES 1 )  
27 through 100, inclusively, )

27 Respondents/Defendants. )

CASE NO. S-1500-CV-275272-EB

Complaint filed: 11/22/11

DECLARATION OF ANDREW PANDOL IN  
SUPPORT OF PETITIONERS' REPLY TO  
RESPONDENT'S OPPOSITION TO EX PARTE  
APPLICATION FOR STAY OF ADMINISTRATIVE  
ORDER REVOKING CONDITIONAL USE  
PERMIT  
[CCP §1094.5(g)]

FILED  
SUPERIOR COURT, METROPOLITAN DIVISION  
COUNTY OF KERN

JAN 19 2012

TERRY McNALLY, CLERK  
BY \_\_\_\_\_ DEPUTY

**COPY**

1 I, ANDREW PANDOL, declare as follows:

2 1. I make this declaration in support of Petitioners' Application for Stay of  
3 Administrative Order Revoking Conditional Use Permit. I have personal knowledge of the  
4 facts set forth herein except as to matters stated upon information and belief as to which I  
5 believe them to be true and if called to testify, I could and would competently testify thereto.

6 2. I am a farm manager for M. Pandol & Sons, a worldwide grower and shipper of  
7 table grapes. M. Pandol & Sons purchases approximately seven thousand five hundred (7,500)  
8 tons of Community Recycling's compost per year. M. Pandol & Sons uses Community  
9 Recycling's compost because it increases tilth and water retention of the soil.

10 3. Community Recycling is also a crucial part of our goal to meet the demands of  
11 buyers to operate in a sustainable, ecologically sounds manner. Specifically, Community  
12 Recycling's compost product enables us to demonstrate to buyers that we are continuing to  
13 meet sustainable environmental demands.

14 4. Community Recycling's compost is used in place of chemical fertilizers. As  
15 growers and sellers of food products, M. Pandol & Sons must meet the strict scrutiny of  
16 customers with regard to food safety. The use of Community Recycling's compost enables us  
17 to meet these high standards.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed this 19th day of January, 2012, at Delano, California.

20   
21 \_\_\_\_\_  
22 ANDREW PANDOL